



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 5.1.3	Subject: <b>ADULT OFFENDER COMMUNITY WORK PROGRAMS/PROJECTS</b>	
Chapter 5: OFFENDER PROGRAMS	Page 1 of 6 and Attachments	
Section 1: Work Programs	Effective Date: Jan. 31, 2000	
Signature: /s/ Loraine Wodnik, Interim Director	Revised: 04/28/2017	

## **I. POLICY**

The Department of Corrections applicable divisions and contracted secure care facilities provide offenders who have demonstrated sufficient reliability and trustworthiness the opportunity to participate in facility work projects and/or programs.

## **II. APPLICABILITY**

Adult secure care facilities Department-owned and contracted, as specified in contract.

## **III. DEFINITIONS**

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Community Work Program – Work programs located in the community for eligible offenders provided for governmental agencies or nonprofit organizations pursuant to *Mont. Code Ann. § 53-30-131 (2009)*.

Community Work Program Supervisor – The staff member from a governmental agency, nonprofit organization, or applicable division or facility designated to supervise offenders in a community work program.

Community Work Projects – Short-term work projects at state-owned or leased properties or in community settings requiring facility supervision.

Community Work Project Supervisors – The division or facility staff members who directly supervise offenders on community work projects.

Victim – A person who suffers property loss, physical or emotional injury, fear of physical or emotional injury, or death because of a felony crime, attempts to prevent a crime or apprehend a suspect, or a family member of a victim. Others may be recognized as victims on a case-by-case basis.

## **IV. DEPARTMENT DIRECTIVES**

### **A. General Requirements for Community Work Programs/Projects**

1. Staff supervising offenders will provide the level of support and monitoring necessary to promote offender and program success and ensure public safety.
2. Offenders' participation in community work will be administered in compliance with *DOC*

*Policy 3.3.15 Americans with Disabilities Act (ADA) Offender Accommodations.*

3. Division and facility operational procedures will comply with the provisions of this policy.
4. Prior to assignment to community work, offenders must sign the [Work Responsibilities Form](#) acknowledging understanding of the rules and regulations.

#### **B. Community Work Programs/Projects Offender Eligibility Criteria**

1. An offender may be eligible for community work when classified as minimum custody or “long-term offender” as outlined in facility procedures, or is within three years of release either by parole eligibility or discharge, and has:
  - a. completed or enrolled in recommended or court-ordered treatment, work or skill development programs;
  - b. acknowledged and accepted responsibility for crime(s);
  - c. received positive work reports; and
  - d. proven the ability to work independently.
2. An offender is ineligible for community work if classified as a predatory offender, or has:
  - a. medical restrictions that conflict with work requirements;
  - b. incurred major violations within the past six months;
  - c. incurred felony convictions while incarcerated;
  - d. outstanding detainers, warrants, notifications, or pending sentence reviews;
  - e. escape history from a secure facility within the past ten years;
  - f. history of trafficking in dangerous contraband within the past ten years while incarcerated; or
  - g. an escape or walk-away attempt from prerelease, work release, or monitoring program within the past three years.
3. Sex offenders must have completed or be actively participating and progressing in sex offender treatment as determined by a treatment provider to be considered for community work.
4. Offenders who transfer from out-of-state must have the approval of the controlling state before they are screened for community work.
5. All offenders who participate in community work may be subject to drug testing and unclothed body searches in accordance with *DOC Policies 3.1.20 Offender Drug Testing Program* and *3.1.17 Searches and Contraband Control*.

#### **C. Transportation of Offenders**

1. Facility staff will arrange offender transport to and from community work unless a written alternative plan is agreed upon by all parties prior to placement.
2. Transport staff must return offenders to their respective facilities at the end of each work period unless other arrangements are made and approved by the administrator, or designee, in advance.
3. If overnight travel is anticipated, staff must arrange for the offender's supervision or placement in a locked facility (e.g., at a prerelease, county jail, or firefighter crew camp).

**D. Incident Reporting**

1. If an offender fails to return to the facility from community work, or fails to remain within the limits of the approved plan, the community work program/project supervisor must immediately report the incident in accordance with *DOC Policy 1.1.6 Priority Incident Reporting and Acting Director*.

**E. Law Enforcement Notification**

1. Facility procedures must include instructions for notifying local law enforcement of an offender's community work program/project by telephone, fax, or email prior to the offender's placement at the worksite.

**G. Specific to Community Work Projects**

1. Offenders may perform general maintenance and repair work on state-owned or leased properties, or in short-term projects in community settings, and assist in providing essential services to the prison administration in accordance with *53-30-141, MCA* and *53-30-151, MCA*.
2. Designated work project staff shall develop an internal notification document including, at a minimum, the following information:
  - a. name of supervisor that requested and is supervising offender worker(s);
  - b. details of assignment, e.g., nature and location of project, dates, time frames, etc.;
  - c. contact requirements such as notifying local law enforcement;
  - d. list of equipment required for work project;
  - e. name, identification number, and housing unit of offender(s) assigned to work project;
  - f. signatures required to ensure offenders listed are approved for project participation; and
  - g. list of posts or staff to whom notification document will be distributed.

**H. Specific to Community Work Programs**

1. Additional general requirements for community work programs include:
  - a. responsibility of offender participation in a community work program is shared among administrators, screening committees, program supervisors, and the offender approved; and
  - b. administrators shall ensure required paperwork with community-based program employers and supervisors is complete before offenders are placed in community work programs. This may include:
    - 1) Memo of Understanding (MOU), or other written agreement;
    - 2) names and contact numbers of applicable administrators and community agency or organization officials;
    - 3) required standards of offender conduct and prohibited conduct;
    - 4) work area rules and regulations; and
    - 5) emergency procedures.
2. To request offender workers, the [Community Work Program Request Form](#) must be completed with all details outlined after which:

**Subject: OFFENDER COMMUNITY WORK PROGRAMS**

- a. government agencies or nonprofit organizations must submit the Community Work Program Request Form to the appropriate administrator; and
  - b. contracted regional or private prison administrators must submit the Community Work Program Request Form to the Department's Contract Placement Bureau chief.
3. The community work program offender selection process requires that:
- a. administrators establish procedures to screen and select offenders for community work program assignments;
  - b. administrators ensure that each step of the approval process is thoroughly documented by staff;
  - c. staff designated to evaluate both potential offenders and locations for assignments shall:
    - 1) complete a [Community Work Program Screening Form](#);
    - 2) investigate the capabilities of community-based employers;
    - 3) inspect the proposed worksite before approving placement; and
    - 4) when necessary, recommend additional screening and input from other Department staff, e.g., the Department's communications director, victim programs manager, or facility public and victim information officers. These individuals, or designees, may notify and solicit offender information from Probation and Parole regional administrators, the sentencing judge, and the appropriate county attorney.
  - d. if a victim has submitted a written request pursuant to *46-24-212, MCA* to be notified when the offender leaves the facility, the designated facility staff will notify the victim and/or victim's family of the offender's eligibility for the community work program and recommended level of supervision. If the victim objects to the community placement, staff evaluating the placement will pursue additional screening, as referenced above, to determine the suitability of the assignment.
  - e. staff designated to evaluate and solicit information relevant to work assignment decisions must submit written documentation, including the Community Work Program Screening Form to the appropriate staff or committees authorized to approve or deny the offender's assignment; and
  - f. procedures shall identify individuals to be notified upon assignment decision and filing locations for relevant records and reports.
4. Prohibited conduct by community work program supervisors include:
- a. giving, trading, or receiving favors or gifts;
  - b. allowing offenders to supervise one another;
  - c. allowing offenders to receive/send personal mail, or make/receive personal phone calls;
  - d. leaving keys in vehicles or vehicles unlocked or unattended around offenders; and
  - e. concealing any information that might be critical or detrimental to the accomplishment of the mission of the Department or the goals of the community work program.
5. Community work program supervision requires that the administrator, or designee, determine if there is a need to assign facility staff to directly supervise offenders working in the community. In making this determination the following must be addressed:
- a. safety orientation for offender workers;
  - b. procedures for the evaluation of each offender's work performance;
  - c. procedures for documenting and submitting hours worked by the offender(s);

**Subject: OFFENDER COMMUNITY WORK PROGRAMS**

- d. a review of the Work Responsibilities Form with the offender, explaining duties, rate of pay, hours of work, etc.;
  - e. procedures to immediately notify the appropriate administrator, or designee, any time there is reason to believe an escape or rule infraction has occurred or may occur;
  - f. the ability to provide consistent and reasonable supervision of offenders, based on realistic work expectations and mutual respect;
  - g. possession and security of each offender's picture ID;
  - h. training in facility offender count procedures; and
  - i. the ability to communicate with the facility at all times either by radio or telephone to ensure contact during offender count and emergencies.
6. Monitoring the offender work program requires:
- a. after the offender begins work, designated staff maintain regular contact with the community-based employer and supervisor to ensure the offender is abiding by community work agreement terms; all contacts must be documented;
  - b. community work program supervisors must document all counts, census checks, and random spot checks of offenders; and
  - c. community work program supervisors must maintain records on the performance of each offender involved in community work programs and ensure that all incidents or problems are promptly reported to the appropriate administrator as they occur.
7. Requirements specific to offender removal from a community work program include:
- a. facilities shall establish procedures for removing offenders from assignments that include the following elements:
    - 1) complete a [Work Assignment/Removal Form](#);
    - 2) thoroughly document reasons for removal;
    - 3) submit the form to the administrator for review and approval; and
    - 4) notify the community-based agency or organization administrators and supervisors;
  - b. if the victim of the offender's crime or the community in which the offender is placed objects to the placement, the offender may be removed from the program pending review and disposition as noted in Section IV.H.3.d. above; and
  - c. administrator may, at any time, authorize an offender's assignment to, or removal from, a community work program.
8. Requirements for medically-related work absences include:
- a. staff shall refer any offender with minor medical problems to the facility health care unit;
  - b. if offender is hurt on assignment or requires immediate medical attention, the community work program supervisor will take appropriate action and promptly notify facility medical staff or appropriate emergency medical providers; and
  - c. operational procedures must include:
    - 1) reason(s) offenders may be excused from work;
    - 2) who authorizes absences;
    - 3) length of time offender may be absent without a medical excuse; and
    - 4) the individual responsible for notifying the community work program supervisors.

**V. CLOSING**

Policy No. DOC 5.1.3	Chapter 5: Offender Programs	Page 6 of 6
Subject: <b>OFFENDER COMMUNITY WORK PROGRAMS</b>		

Questions concerning this policy should be directed to the appropriate administrator.

## **VI. REFERENCES**

- A. 46-24-212; 53-1-202; 53-30-101; 53-30-131; 53-30-141; 53-30-151, MCA
- B. 4-4451, 4-4452, 4-4454; ACA Standards for Adult Correctional Institutions, 4<sup>th</sup> Edition
- C. DOC Policies 1.1.6 Priority Incident Reporting and Acting Director; 3.1.17 Searches and Contraband Control; 3.1.20 Offender Drug Testing Program; 3.3.15 Americans with Disabilities Act (ADA) Offender Accommodations

## **VII. ATTACHMENTS**

- [Community Work Program Request Form](#)
- [Community Work Program Screening Form](#)
- [Work Responsibilities Form](#)
- [Work Assignment/Removal Form](#)